Calendar No. 204

110TH CONGRESS 1ST SESSION

S. 1644

[Report No. 110-84]

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

IN THE SENATE OF THE UNITED STATES

June 18, 2007

Mr. Byrd, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the
- 5 fiscal year ending September 30, 2008, for the Depart-
- 6 ment of Homeland Security and for other purposes, name-
- 7 ly:

1	TITLE I
2	DEPARTMENT OF HOMELAND SECURITY
3	DEPARTMENTAL MANAGEMENT AND
4	OPERATIONS
5	Office of the Secretary and Executive
6	Management
7	For necessary expenses of the Office of the Secretary
8	of Homeland Security, as authorized by section 102 of the
9	Homeland Security Act of 2002 (6 U.S.C. 112), and exec-
10	utive management of the Department of Homeland Secu-
11	rity, as authorized by law, \$100,000,000: Provided, That
12	not to exceed \$40,000 shall be for official reception and
13	representation expenses: Provided further, That
14	\$15,000,000 shall not be available for obligation until the
15	Secretary certifies and reports to the Committees on Ap-
16	propriations of the Senate and the House of Representa-
17	tives that the Department has revised Departmental guid-
18	ance with respect to relations with the Government Ac-
19	countability Office to specifically provide for: (1) expedited
20	timeframes for providing the Government Accountability
21	Office with access to records not to exceed 20 days from
22	the date of request; (2) expedited timeframes for inter-
23	views of program officials by the Government Account-
24	ability Office after reasonable notice has been furnished
25	to the Department by the Government Accountability Of-

- 1 fice; and (3) a significant streamlining of the review proc-
- 2 ess for documents and interview requests by liaisons, coun-
- 3 sel, and program officials, consistent with the objective
- 4 that the Government Accountability Office be given timely
- 5 and complete access to documents and agency officials:
- 6 Provided further, That the Secretary shall make the revi-
- 7 sions to Departmental guidance with respect to relations
- 8 with the Government Accountability Office in consultation
- 9 with the Comptroller General of the United States.
- 10 Office of the Under Secretary for Management
- 11 For necessary expenses of the Office of the Under
- 12 Secretary for Management, as authorized by sections 701
- 13 through 705 of the Homeland Security Act of 2002 (6
- 14 U.S.C. 341 through 345), \$234,883,000, of which not to
- 15 exceed \$3,000 shall be for official reception and represen-
- 16 tation expenses: Provided, That of the total amount,
- 17 \$6,000,000 shall remain available until expended solely for
- 18 the alteration and improvement of facilities, tenant im-
- 19 provements, and relocation costs to consolidate Depart-
- 20 ment headquarters operations; and \$88,000,000 shall re-
- 21 main available until expended for the Consolidated Head-
- 22 quarters Project.

1	OFFICE OF THE CHIEF FINANCIAL OFFICER
2	For necessary expenses of the Office of the Chief Fi-
3	nancial Officer, as authorized by section 103 of the Home-
4	land Security Act of 2002 (6 U.S.C. 113), \$30,076,000
5	Office of the Chief Information Officer
6	For necessary expenses of the Office of the Chief In-
7	formation Officer, as authorized by section 103 of the
8	Homeland Security Act of 2002 (6 U.S.C. 113), and De-
9	partment-wide technology investments, \$321,100,000; of
10	which \$82,400,000 shall be available for salaries and ex-
11	penses; and of which \$238,700,000, to remain available
12	until expended, shall be available for development and ac-
13	quisition of information technology equipment, software
14	services, and related activities for the Department of
15	Homeland Security, of which \$97,300,000 shall be for the
16	National Center for Critical Information Processing and
17	Storage: Provided, That none of the funds appropriated
18	shall be used to support or supplement the appropriations
19	provided for the United States Visitor and Immigrant Sta-
20	tus Indicator Technology project or the Automated Com-
21	mercial Environment.
22	Analysis and Operations
23	For necessary expenses for information analysis and
24	operations coordination activities, as authorized by title II
25	of the Homeland Security Act of 2002 (6 U.S.C. 121 et

- 1 seq.), \$306,000,000, to remain available until September
- 2 30, 2009, of which not to exceed \$5,000 shall be for offi-
- 3 cial reception and representation expenses.
- 4 Office of the Federal Coordinator for Gulf
- 5 Coast Rebuilding
- 6 For necessary expenses of the Office of the Federal
- 7 Coordinator for Gulf Coast Rebuilding, \$3,000,000: Pro-
- 8 vided, That \$1,000,000 shall not be available for obliga-
- 9 tion until the Committees on Appropriations of the Senate
- 10 and the House of Representatives receive an expenditure
- 11 plan for fiscal year 2008.
- 12 Office of Inspector General
- 13 OPERATING EXPENSES
- 14 For necessary expenses of the Office of Inspector
- 15 General in carrying out the provisions of the Inspector
- 16 General Act of 1978 (5 U.S.C. App.), \$95,211,000, of
- 17 which not to exceed \$150,000 may be used for certain con-
- 18 fidential operational expenses, including the payment of
- 19 informants, to be expended at the direction of the Inspec-
- 20 tor General.

1	TITLE II
2	SECURITY, ENFORCEMENT, AND
3	INVESTIGATIONS
4	U.S. Customs and Border Protection
5	SALARIES AND EXPENSES
6	For necessary expenses for enforcement of laws relat-
7	ing to border security, immigration, customs, and agricul-
8	tural inspections and regulatory activities related to plant
9	and animal imports; purchase and lease of up to 4,500
10	(2,400 for replacement only) police-type vehicles; and con-
11	tracting with individuals for personal services abroad
12	\$6,601,058,000; of which \$230,316,000 shall remain
13	available until September 30, 2009, to support software
14	development, equipment, contract services, and the imple-
15	mentation of inbound lanes and modification to vehicle
16	primary processing lanes at ports of entry; of which
17	\$3,093,000 shall be derived from the Harbor Maintenance
18	Trust Fund for administrative expenses related to the col-
19	lection of the Harbor Maintenance Fee pursuant to section
20	9505(c)(3) of the Internal Revenue Code of 1986 (26)
21	U.S.C. 9505(c)(3)) and notwithstanding section
22	1511(e)(1) of the Homeland Security Act of 2002 (6
23	U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall
24	be for official reception and representation expenses; of
25	which not less than \$226,740,000 shall be for Air and Ma-

- 1 rine Operations; of which such sums as become available
- 2 in the Customs User Fee Account, except sums subject
- 3 to section 13031(f)(3) of the Consolidated Omnibus Budg-
- 4 et Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall
- 5 be derived from that account; of which not to exceed
- 6 \$150,000 shall be available for payment for rental space
- 7 in connection with preclearance operations; and of which
- 8 not to exceed \$1,000,000 shall be for awards of compensa-
- 9 tion to informants, to be accounted for solely under the
- 10 certificate of the Secretary of Homeland Security: Pro-
- 11 vided, That for fiscal year 2008, the overtime limitation
- 12 prescribed in section 5(c)(1) of the Act of February 13,
- 13 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and not-
- 14 withstanding any other provision of law, none of the funds
- 15 appropriated by this Act may be available to compensate
- 16 any employee of United States Customs and Border Pro-
- 17 tection for overtime, from whatever source, in an amount
- 18 that exceeds such limitation, except in individual cases de-
- 19 termined by the Secretary of Homeland Security, or the
- 20 designee of the Secretary, to be necessary for national se-
- 21 curity purposes, to prevent excessive costs, or in cases of
- 22 immigration emergencies.
- 23 AUTOMATION MODERNIZATION
- 24 For expenses for customs and border protection auto-
- 25 mated systems, \$476,609,000, to remain available until
- 26 expended, of which not less than \$316,969,000 shall be

- 1 for the development of the Automated Commercial Envi-
- 2 ronment: Provided, That of the total amount made avail-
- 3 able under this heading, \$216,969,000 may not be obli-
- 4 gated for the Automated Commercial Environment until
- 5 the Committees on Appropriations of the Senate and the
- 6 House of Representatives receive a plan for expenditure
- 7 prepared by the Secretary of Homeland Security that in-
- 8 cludes:
- 9 (1) a detailed accounting of the program's
- progress to date relative to system capabilities or
- services, system performance levels, mission benefits
- and outcomes, milestones, cost targets, and program
- management capabilities;
- 14 (2) an explicit plan of action defining how all
- funds are to be obligated to meet future program
- 16 commitments, with the planned expenditure of funds
- linked to the milestone-based delivery of specific ca-
- pabilities, services, performance levels, mission bene-
- 19 fits and outcomes, and program management capa-
- 20 bilities;
- 21 (3) a listing of all open Government Account-
- ability Office and Office of Inspector General rec-
- ommendations related to the program and the status
- of Department of Homeland Security actions to ad-

- dress the recommendations, including milestones for
 fully addressing them;
- (4) a certification by the Chief Financial Officer of the Department that the program has been reviewed and approved in accordance with the investment management process of the Department, and that the process fulfills all capital planning and investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;
 - (5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;
 - (6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;

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- 1 (7) a certification by the Chief Procurement Of2 ficer of the Department that the plans for the pro3 gram comply with the Federal acquisition rules, re4 quirements, guidelines, and practices, and a descrip5 tion of the actions being taken to address areas of
 6 non-compliance, the risks associated with them along
 7 with any plans for addressing these risks and the
 8 status of their implementation;
 - (8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them; and
 - (9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report.
- 23 BORDER SECURITY FENCING, INFRASTRUCTURE, AND
- 24 TECHNOLOGY
- 25 For expenses for customs and border protection fenc-26 ing, infrastructure, and technology, \$1,000,000,000, to re-

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- 1 main available until expended: *Provided*, That of the
- 2 amount provided under this heading, \$500,000,000 shall
- 3 not be obligated until the Committees on Appropriations
- 4 of the Senate and the House of Representatives receive
- 5 and approve a plan for expenditure, prepared by the Sec-
- 6 retary of Homeland Security and submitted within 90
- 7 days after the date of enactment of this Act, that includes:
- 8 (1) a detailed accounting of the program's
- 9 progress to date relative to system capabilities or
- services, system performance levels, mission benefits
- and outcomes, milestones, cost targets, and program
- management capabilities;
- 13 (2) an explicit plan of action defining how all
- funds are to be obligated to meet future program
- commitments, with the planned expenditure of funds
- linked to the milestone-based delivery of specific ca-
- pabilities, services, performance levels, mission bene-
- 18 fits and outcomes, and program management capa-
- 19 bilities;
- 20 (3) a listing of all open Government Account-
- ability Office and Office of Inspector General rec-
- ommendations related to the program and the status
- of Department of Homeland Security actions to ad-
- dress the recommendations, including milestones for
- 25 fully addressing them;

- (4) a certification by the Chief Financial Officer of the Department that the program has been
 reviewed and approved in accordance with the investment management process of the Department,
 and that the process fulfills all capital planning and
 investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;
 - (5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;
 - (6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;
 - (7) a certification by the Chief Procurement Officer of the Department that the plans for the pro-

- gram comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;
 - (8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;
 - (9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report;
 - (10) a description of initial plans for securing the Northern border and United States maritime border; and
- (11) which is reviewed by the Government Ac-countability Office.

1	AIR AND MARINE INTERDICTION, OPERATIONS,
2	MAINTENANCE, AND PROCUREMENT
3	For necessary expenses for the operations, mainte-
4	nance, and procurement of marine vessels, aircraft, un-
5	manned aircraft systems, and other related equipment of
6	the air and marine program, including operational train-
7	ing and mission-related travel, and rental payments for
8	facilities occupied by the air or marine interdiction and
9	demand reduction programs, the operations of which in-
10	clude the following: the interdiction of narcotics and other
11	goods; the provision of support to Federal, State, and local
12	agencies in the enforcement or administration of laws en-
13	forced by the Department of Homeland Security; and at
14	the discretion of the Secretary of Homeland Security, the
15	provision of assistance to Federal, State, and local agen-
16	cies in other law enforcement and emergency humani-
17	tarian efforts, \$488,947,000, to remain available until ex-
18	pended: Provided, That no aircraft or other related equip-
19	ment, with the exception of aircraft that are one of a kind
20	and have been identified as excess to United States Cus-
21	toms and Border Protection requirements and aircraft
22	that have been damaged beyond repair, shall be trans-
23	ferred to any other Federal agency, department, or office
24	outside of the Department of Homeland Security during
25	fiscal year 2008 without the prior approval of the Commit-

- 1 tees on Appropriations of the Senate and the House of
- 2 Representatives.
- 3 CONSTRUCTION
- 4 For necessary expenses to plan, construct, renovate,
- 5 equip, and maintain buildings and facilities necessary for
- 6 the administration and enforcement of the laws relating
- 7 to customs and immigration, \$274,863,000, to remain
- 8 available until expended; of which \$40,200,000 shall be
- 9 for the Advanced Training Center.
- 10 U.S. Immigration and Customs Enforcement
- 11 SALARIES AND EXPENSES
- For necessary expenses for enforcement of immigra-
- 13 tion and customs laws, detention and removals, and inves-
- 14 tigations; and purchase and lease of up to 3,790 (2,350
- 15 for replacement only) police-type vehicles; \$4,401,643,000,
- 16 of which not to exceed \$7,500,000 shall be available until
- 17 expended for conducting special operations under section
- 18 3131 of the Customs Enforcement Act of 1986 (19 U.S.C.
- 19 2081); of which not to exceed \$15,000 shall be for official
- 20 reception and representation expenses; of which not to ex-
- 21 ceed \$1,000,000 shall be for awards of compensation to
- 22 informants, to be accounted for solely under the certificate
- 23 of the Secretary of Homeland Security; of which not less
- 24 than \$102,000 shall be for promotion of public awareness
- 25 of the child pornography tipline; of which not less than
- 26 \$203,000 shall be for Project Alert; of which not less than

- 1 \$5,400,000 may be used to facilitate agreements con-
- 2 sistent with section 287(g) of the Immigration and Na-
- 3 tionality Act (8 U.S.C. 1357(g)); and of which not to ex-
- 4 ceed \$11,216,000 shall be available to fund or reimburse
- 5 other Federal agencies for the costs associated with the
- 6 care, maintenance, and repatriation of smuggled illegal
- 7 aliens: *Provided*, That none of the funds made available
- 8 under this heading shall be available to compensate any
- 9 employee for overtime in an annual amount in excess of
- 10 \$35,000, except that the Secretary of Homeland Security,
- 11 or the designee of the Secretary, may waive that amount
- 12 as necessary for national security purposes and in cases
- 13 of immigration emergencies: Provided further, That of the
- 14 total amount provided, \$15,770,000 shall be for activities
- 15 to enforce laws against forced child labor in fiscal year
- 16 2008, of which not to exceed \$6,000,000 shall remain
- 17 available until expended.
- 18 FEDERAL PROTECTIVE SERVICE
- 19 The revenues and collections of security fees credited
- 20 to this account shall be available until expended for nec-
- 21 essary expenses related to the protection of federally-
- 22 owned and leased buildings and for the operations of the
- 23 Federal Protective Service: Provided, That the Secretary
- 24 of Homeland Security and the Director of the Office of
- 25 Management and Budget shall certify in writing to the
- 26 Committees on Appropriations of the Senate and the

- 1 House of Representatives no later than November 1, 2007,
- 2 that the operations of the Federal Protective Service will
- 3 be fully funded in fiscal year 2008 through revenues and
- 4 collection of security fees: Provided further, That a certifi-
- 5 cation shall be provided no later than February 10, 2008,
- 6 for fiscal year 2009.

7 AUTOMATION MODERNIZATION

- 8 For expenses of immigration and customs enforce-
- 9 ment automated systems, \$15,000,000, to remain avail-
- 10 able until expended: Provided, That of the funds made
- 11 available under this heading, \$5,000,000 may not be obli-
- 12 gated until the Committees on Appropriations of the Sen-
- 13 ate and the House of Representatives receive a plan for
- 14 expenditure prepared by the Secretary of Homeland Secu-
- 15 rity.

16 CONSTRUCTION

- 17 For necessary expenses to plan, construct, renovate,
- 18 equip, and maintain buildings and facilities necessary for
- 19 the administration and enforcement of the laws relating
- 20 to customs and immigration, \$16,250,000, to remain
- 21 available until expended.
- 22 Transportation Security Administration
- 23 AVIATION SECURITY
- For necessary expenses of the Transportation Secu-
- 25 rity Administration related to providing civil aviation secu-
- 26 rity services pursuant to the Aviation and Transportation

- 1 Security Act (Public Law 107-71; 115 Stat. 597; 49
- 2 U.S.C. 40101 note), \$5,039,559,000, to remain available
- 3 until September 30, 2009, of which not to exceed \$10,000
- 4 shall be for official reception and representation expenses:
- 5 Provided, That of the total amount made available under
- 6 this heading, not to exceed \$4,074,889,000 shall be for
- 7 screening operations, of which \$529,400,000 shall be
- 8 available only for procurement and installation of checked
- 9 baggage explosive detection systems; and not to exceed
- 10 \$964,445,000 shall be for aviation security direction and
- 11 enforcement: Provided further, That security service fees
- 12 authorized under section 44940 of title 49, United States
- 13 Code, shall be credited to this appropriation as offsetting
- 14 collections and shall be available only for aviation security:
- 15 Provided further, That the sum herein appropriated from
- 16 the General Fund shall be reduced on a dollar-for-dollar
- 17 basis as such offsetting collections are received during fis-
- 18 cal year 2008, so as to result in a final fiscal year appro-
- 19 priation from the General Fund estimated at not more
- 20 than \$2,329,334,000: Provided further, That any security
- 21 service fees collected in excess of the amount made avail-
- 22 able under this heading shall become available during fis-
- 23 cal year 2009: Provided further, That Members of the
- 24 United States House of Representatives and United States
- 25 Senate, including the leadership; and the heads of Federal

- 1 agencies and commissions, including the Secretary, Under
- 2 Secretaries, and Assistant Secretaries of the Department
- 3 of Homeland Security; the United States Attorney General
- 4 and Assistant Attorneys General and the United States
- 5 attorneys; and senior members of the Executive Office of
- 6 the President, including the Director of the Office of Man-
- 7 agement and Budget; shall not be exempt from Federal
- 8 passenger and baggage screening.
- 9 SURFACE TRANSPORTATION SECURITY
- 10 For necessary expenses of the Transportation Secu-
- 11 rity Administration related to providing surface transpor-
- 12 tation security activities, \$41,413,000, to remain available
- 13 until September 30, 2009.
- 14 TRANSPORTATION THREAT ASSESSMENT AND
- 15 CREDENTIALING
- 16 For necessary expenses for the development and im-
- 17 plementation of screening programs of the Office of
- 18 Transportation Threat Assessment and Credentialing,
- 19 \$67,490,000, to remain available until September 30,
- 20 2009.
- 21 TRANSPORTATION SECURITY SUPPORT
- For necessary expenses of the Transportation Secu-
- 23 rity Administration related to providing transportation se-
- 24 curity support and intelligence pursuant to the Aviation
- 25 and Transportation Security Act (Public Law 107–71;
- 26 115 Stat. 597; 49 U.S.C. 40101 note), \$524,515,000, to

- 1 remain available until September 30, 2009: Provided,
- 2 That of the funds appropriated under this heading,
- 3 \$20,000,000 may not be obligated until the Secretary of
- 4 Homeland Security submits to the Committees on Appro-
- 5 priations of the Senate and the House of Representatives
- 6 a strategic plan required for checkpoint technologies as de-
- 7 scribed in the joint explanatory statement of managers ac-
- 8 companying the fiscal year 2007 conference report (H.
- 9 Rept. 109–699): Provided further, That this plan shall be
- 10 submitted no later than 60 days after the date of enact-
- 11 ment of this Act.
- 12 FEDERAL AIR MARSHALS
- 13 For necessary expenses of the Federal Air Marshals,
- 14 \$722,000,000.
- 15 United States Coast Guard
- 16 OPERATING EXPENSES
- 17 For necessary expenses for the operation and mainte-
- 18 nance of the United States Coast Guard not otherwise
- 19 provided for; purchase or lease of not to exceed 25 pas-
- 20 senger motor vehicles, which shall be for replacement only;
- 21 payments pursuant to section 156 of Public Law 97–377
- 22 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and
- 23 welfare; \$5,930,545,000, of which \$340,000,000 shall be
- 24 for defense-related activities; of which \$24,500,000 shall
- 25 be derived from the Oil Spill Liability Trust Fund to carry
- 26 out the purposes of section 1012(a)(5) of the Oil Pollution

- 1 Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to
- 2 exceed \$10,000 shall be for official reception and represen-
- 3 tation expenses: *Provided*, That none of the funds made
- 4 available by this or any other Act shall be available for
- 5 administrative expenses in connection with shipping com-
- 6 missioners in the United States: Provided further, That
- 7 none of the funds made available by this Act shall be for
- 8 expenses incurred for yacht documentation under section
- 9 12109 of title 46, United States Code, except to the extent
- 10 fees are collected from yacht owners and credited to this
- 11 appropriation.
- 12 ENVIRONMENTAL COMPLIANCE AND RESTORATION
- For necessary expenses to carry out the environ-
- 14 mental compliance and restoration functions of the United
- 15 States Coast Guard under chapter 19 of title 14, United
- 16 States Code, \$12,079,000, to remain available until ex-
- 17 pended.
- 18 RESERVE TRAINING
- 19 For necessary expenses of the Coast Guard Reserve,
- 20 as authorized by law; operations and maintenance of the
- 21 reserve program; personnel and training costs; and equip-
- 22 ment and services; \$126,883,000.
- 23 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS
- 24 (INCLUDING RESCISSIONS OF FUNDS)
- 25 For necessary expenses of acquisition, construction,
- 26 renovation, and improvement of aids to navigation, shore

- 1 facilities, vessels, and aircraft, including equipment related
- 2 thereto; and maintenance, rehabilitation, lease and oper-
- 3 ation of facilities and equipment, as authorized by law;
- 4 \$1,048,068,000, of which \$20,000,000 shall be derived
- 5 from the Oil Spill Liability Trust Fund to carry out the
- 6 purposes of section 1012(a)(5) of the Oil Pollution Act
- 7 of 1990 (33 U.S.C. 2712(a)(5)); of which \$9,200,000
- 8 shall be available until September 30, 2012, to acquire,
- 9 repair, renovate, or improve vessels, small boats, and re-
- 10 lated equipment; of which \$173,600,000 shall be available
- 11 until September 30, 2010, for other equipment; of which
- 12 \$37,897,000 shall be available until September 30, 2010,
- 13 for shore facilities and aids to navigation facilities; of
- 14 which \$505,000 shall be available for personnel related
- 15 costs; and of which \$770,079,000 shall be available until
- 16 September 30, 2012, for the Integrated Deepwater Sys-
- 17 tems program: *Provided*, That the Commandant of the
- 18 Coast Guard is authorized to dispose of surplus real prop-
- 19 erty, by sale or lease, and the proceeds shall be credited
- 20 to this appropriation as offsetting collections and shall be
- 21 available until September 30, 2010: Provided further, That
- 22 of amounts made available under this heading in Public
- 23 Law 109–90, \$48,787,000 for the Offshore Patrol Cutter
- 24 are rescinded: Provided further, That of the amounts made
- 25 available under this heading in Public Law 109–295,

\$8,000,000 for the Fast Response Cutter (FRC-A) are rescinded: Provided further, That the Secretary shall sub-3 mit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives within 60 days after the date of enactment of this Act for funds made available for the Integrated Deepwater Pro-6 gram, that: (1) defines activities, milestones, yearly costs, 8 and life-cycle costs for each procurement of a major asset; (2) identifies life-cycle staffing and training needs of Coast 10 Guard project managers and of procurement and contract staff; (3) includes a certification by the Chief Human Cap-12 ital Officer of the Department that current human capital capabilities are sufficient to execute the plans discussed in the report; (4) identifies individual project balances by 14 15 fiscal year, including planned carryover into fiscal year 2009 by project; (5) identifies operational gaps for all 16 Deepwater assets and an explanation of how funds pro-18 vided in this Act address the shortfalls between current 19 operational capabilities and requirements; (6) includes a 20 listing of all open Government Accountability Office and 21 Office of Inspector General recommendations related to the program and the status of Coast Guard actions to ad-23 dress the recommendations, including milestones for fully addressing them; (7) includes a certification by the Chief Financial Officer of the Department that the program has

been reviewed and approved in accordance with the investment management process of the Department, and that 3 the process fulfills all capital planning and investment con-4 trol requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7; (8) identifies competition to be conducted in each procurement; (9) includes a certification by the head of con-8 tracting activity for the Coast Guard and the Chief Procurement Officer of the Department that the plans for the 10 program comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of 12 the actions being taken to address areas of non-compliance, the risks associated with them along with plans for 14 addressing these risks and the status of their implementa-15 tion; (10) identifies the use of independent validation and verification; and (11) is reviewed by the Government Ac-16 17 countability Office: Provided further, That the Secretary 18 of Homeland Security shall submit to the Committees on 19 Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2009 20 21 budget, a review of the Revised Deepwater Implementa-22 tion Plan that identifies any changes to the plan for the 23 fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the

1	costs of legacy assets are being accounted for within the
2	Deepwater program; and the earned value management
3	system gold card data for each Deepwater asset: Provided
4	further, That the Secretary shall submit to the Committees
5	on Appropriations of the Senate and the House of Rep-
6	resentatives a comprehensive review of the Revised Deep-
7	water Implementation Plan every five years, beginning in
8	fiscal year 2011, that includes a complete projection of
9	the acquisition costs and schedule for the duration of the
10	plan through fiscal year 2027: Provided further, That the
11	Secretary shall annually submit to the Committees on Ap-
12	propriations of the Senate and the House of Representa-
13	tives, at the time that the President's budget is submitted
14	under section 1105(a) of title 31, United States Code, a
15	future-years capital investment plan for the Coast Guard
16	that identifies for each capital budget line item—
17	(1) the proposed appropriation included in that
18	budget;
19	(2) the total estimated cost of completion;
20	(3) projected funding levels for each fiscal year
21	for the next five fiscal years or until project comple-
22	tion, whichever is earlier;
23	(4) an estimated completion date at the pro-
24	jected funding levels; and

- 1 (5) changes, if any, in the total estimated cost
- 2 of completion or estimated completion date from
- 3 previous future-years capital investment plans sub-
- 4 mitted to the Committees on Appropriations of the
- 5 Senate and the House of Representatives:
- 6 Provided further, That the Secretary shall ensure that
- 7 amounts specified in the future-years capital investment
- 8 plan are consistent to the maximum extent practicable
- 9 with proposed appropriations necessary to support the
- 10 programs, projects, and activities of the Coast Guard in
- 11 the President's budget as submitted under section 1105(a)
- 12 of title 31, United States Code, for that fiscal year: Pro-
- 13 vided further, That any inconsistencies between the capital
- 14 investment plan and proposed appropriations shall be
- 15 identified and justified.
- 16 ALTERATION OF BRIDGES
- 17 For necessary expenses for alteration or removal of
- 18 obstructive bridges, as authorized by section 6 of the Tru-
- 19 man-Hobbs Act (33 U.S.C. 516), \$16,000,000, to remain
- 20 available until expended.
- 21 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
- 22 For necessary expenses for applied scientific re-
- 23 search, development, test, and evaluation; and for mainte-
- 24 nance, rehabilitation, lease, and operation of facilities and
- 25 equipment; as authorized by law; \$25,583,000, to remain
- 26 available until expended, of which \$500,000 shall be de-

- 1 rived from the Oil Spill Liability Trust Fund to carry out
- 2 the purposes of section 1012(a)(5) of the Oil Pollution Act
- 3 of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may
- 4 be credited to and used for the purposes of this appropria-
- 5 tion funds received from State and local governments,
- 6 other public authorities, private sources, and foreign coun-
- 7 tries for expenses incurred for research, development, test-
- 8 ing, and evaluation.
- 9 RETIRED PAY
- 10 For retired pay, including the payment of obligations
- 11 otherwise chargeable to lapsed appropriations for this pur-
- 12 pose, payments under the Retired Serviceman's Family
- 13 Protection and Survivor Benefits Plans, payment for ca-
- 14 reer status bonuses, concurrent receipts and combat-re-
- 15 lated special compensation under the National Defense
- 16 Authorization Act, and payments for medical care of re-
- 17 tired personnel and their dependents under chapter 55 of
- 18 title 10, United States Code, \$1,184,720,000, to remain
- 19 available until expended.
- 20 United States Secret Service
- 21 SALARIES AND EXPENSES
- For necessary expenses of the United States Secret
- 23 Service, including purchase of not to exceed 645 vehicles
- 24 for police-type use, which shall be for replacement only,
- 25 and hire of passenger motor vehicles; purchase of motor-
- 26 cycles made in the United States; hire of aircraft; services

of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property 4 5 not in Government ownership or control, as may be nec-6 essary to perform protective functions; payment of per diem or subsistence allowances to employees where a pro-8 tective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours 10 per day or to remain overnight at a post of duty; conduct 11 of and participation in firearms matches; presentation of 12 awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in 14 15 advance from the Committees on Appropriations of the Senate and the House of Representatives; research and 16 development; grants to conduct behavioral research in support of protective research and operations; and payment 18 19 in advance for commercial accommodations as may be necessary to perform protective functions; \$1,392,171,000, of 20 21 which not to exceed \$25,000 shall be for official reception 22 and representation expenses; of which not to exceed 23 \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for

1	forensic and related support of investigations of missing
2	and exploited children; and of which \$6,000,000 shall be
3	a grant for activities related to the investigations of miss-
4	ing and exploited children and shall remain available until
5	expended: Provided, That up to \$18,000,000 provided for
6	protective travel shall remain available until September
7	30, 2009: Provided further, That the United States Secret
8	Service is authorized to obligate funds in anticipation of
9	reimbursements from Federal agencies and entities, as de-
10	fined in section 105 of title 5, United States Code, receiv-
11	ing training sponsored by the James J. Rowley Training
12	Center, except that total obligations at the end of the fis-
13	cal year shall not exceed total budgetary resources avail-
14	able under this heading at the end of the fiscal year.
15	ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
16	RELATED EXPENSES
17	For necessary expenses for acquisition, construction
18	repair, alteration, and improvement of facilities
19	\$3,725,000, to remain available until expended.
20	TITLE III
21	PROTECTION, PREPAREDNESS, RESPONSE, AND
22	RECOVERY
23	NATIONAL PROTECTION AND PROGRAMS DIRECTORATE
24	MANAGEMENT AND ADMINISTRATION
25	For salaries and expenses of the immediate Office of
26	the Under Secretary for National Protection and Pro-

- 1 grams, the National Protection Planning Office, support
- 2 services for business operations and information tech-
- 3 nology, and facility costs, \$30,000,000: Provided, That of
- 4 the amount provided, \$15,000,000 shall not be obligated
- 5 until the Committees on Appropriations of the Senate and
- 6 the House of Representatives receive and approve in full
- 7 an expenditure plan by program, project, and activity; pre-
- 8 pared by the Secretary of Homeland Security that has
- 9 been reviewed by the Government Accountability Office.
- 10 INFRASTRUCTURE PROTECTION AND INFORMATION
- 11 SECURITY
- For necessary expenses for infrastructure protection
- 13 and information security programs and activities, as au-
- 14 thorized by title II of the Homeland Security Act of 2002
- 15 (6 U.S.C. 121 et seq.), \$527,099,000, of which
- 16 \$497,099,000 shall remain available until September 30,
- 17 2009.
- 18 UNITED STATES VISITOR AND IMMIGRANT STATUS
- 19 INDICATOR TECHNOLOGY
- For necessary expenses for the development of the
- 21 United States Visitor and Immigrant Status Indicator
- 22 Technology project, as authorized by section 110 of the
- 23 Illegal Immigration Reform and Immigrant Responsibility
- 24 Act of 1996 (8 U.S.C. 1365a), \$362,000,000, to remain
- 25 available until expended: *Provided*, That of the total
- 26 amount made available under this heading, \$100,000,000

- 1 may not be obligated for the United States Visitor and
- 2 Immigrant Status Indicator Technology project until the
- 3 Committees on Appropriations of the Senate and the
- 4 House of Representatives receive and approve a plan for
- 5 expenditure prepared by the Secretary of Homeland Secu-
- 6 rity that includes:

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- 7 (1) a detailed accounting of the program's 8 progress to date relative to system capabilities or 9 services, system performance levels, mission benefits 10 and outcomes, milestones, cost targets, and program 11 management capabilities;
 - (2) an explicit plan of action defining how all funds are to be obligated to meet future program commitments, with the planned expenditure of funds linked to the milestone-based delivery of specific capabilities, services, performance levels, mission benefits and outcomes, and program management capabilities;
 - (3) a listing of all open Government Accountability Office and Office of Inspector General recommendations related to the program and the status of Department of Homeland Security actions to address the recommendations, including milestones for fully addressing them;

- (4) a certification by the Chief Financial Officer of the Department that the program has been
 reviewed and approved in accordance with the investment management process of the Department,
 and that the process fulfills all capital planning and
 investment control requirements and reviews established by the Office of Management and Budget, including Circular A-11, part 7;
 - (5) a certification by the Chief Information Officer of the Department that an independent validation and verification agent has and will continue to actively review the program;
 - (6) a certification by the Chief Information Officer of the Department that the system architecture of the program is sufficiently aligned with the information systems enterprise architecture of the Department to minimize future rework, including a description of all aspects of the architectures that were and were not assessed in making the alignment determination, the date of the alignment determination, any known areas of misalignment along with the associated risks and corrective actions to address any such areas;
 - (7) a certification by the Chief Procurement Officer of the Department that the plans for the pro-

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- gram comply with the Federal acquisition rules, requirements, guidelines, and practices, and a description of the actions being taken to address areas of non-compliance, the risks associated with them along with any plans for addressing these risks and the status of their implementation;
 - (8) a certification by the Chief Information Officer of the Department that the program has a risk management process that regularly identifies, evaluates, mitigates, and monitors risks throughout the system life cycle, and communicates high-risk conditions to agency and department heads, as well as a listing of all the program's high risks and the status of efforts to address them;
 - (9) a certification by the Chief Human Capital Officer of the Department that the human capital needs of the program are being strategically and proactively managed, and that current human capital capabilities are sufficient to execute the plans discussed in the report; and
- 21 (10) which is reviewed by the Government Ac-22 countability Office.
- 23 Office of Health Affairs
- For the necessary expenses of the Office of Health 25 Affairs, \$115,000,000; of which \$20,817,000 is for sala-

- 1 ries and expenses; and of which \$94,183,000 is for bio-
- 2 surveillance, biowatch, chemical response, and related ac-
- 3 tivities for the Department of Homeland Security, to re-
- 4 main available until September 30, 2009: Provided, That
- 5 not to exceed \$3,000 shall be for official reception and
- 6 representation expenses.
- 7 Federal Emergency Management Agency
- 8 MANAGEMENT AND ADMINISTRATION
- 9 For necessary expenses for management and admin-
- 10 istration, \$678,600,000, including activities authorized by
- 11 the National Flood Insurance Act of 1968 (42 U.S.C.
- 12 4001 et seq.), the Robert T. Stafford Disaster Relief and
- 13 Emergency Assistance Act (42 U.S.C. 5121 et seq.), the
- 14 Earthquake Hazards Reduction Act of 1977 (42 U.S.C.
- 15 7701 et seq.), the Defense Production Act of 1950 (50
- 16 U.S.C. App. 2061 et seq.), sections 107 and 303 of the
- 17 National Security Act of 1947 (50 U.S.C. 404, 405), Re-
- 18 organization Plan No. 3 of 1978 (5 U.S.C. App.), the
- 19 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.),
- 20 and the Post-Katrina Emergency Management Reform
- 21 Act of 2006 (Public Law 109–295; 120 Stat. 1394): Pro-
- 22 vided, That not to exceed \$3,000 shall be for official recep-
- 23 tion and representation expenses: Provided further, That
- 24 \$426,020,000 shall be for Operations Activities: Provided
- 25 further, That \$216,580,000 shall be for Management Ac-

- 1 tivities: Provided further, That \$6,000,000 shall be for the
- 2 Office of the National Capital Region Coordination: Pro-
- 3 vided further, That for purposes of planning, coordination,
- 4 execution, and decisionmaking related to mass evacuation
- 5 during a disaster, the Governors of the State of West Vir-
- 6 ginia and the Commonwealth of Pennsylvania, or their
- 7 designees, shall be incorporated into efforts to integrate
- 8 the activities of Federal, State, and local governments in
- 9 the National Capital Region, as defined in section 882 of
- 10 Public Law 107–296, the Homeland Security Act of 2002:
- 11 Provided further, That of the total amount made available
- 12 under this heading, \$30,000,000 shall be for Urban
- 13 Search and Rescue Teams, of which not to exceed
- 14 \$1,600,000 may be made available for administrative
- 15 costs.
- 16 STATE AND LOCAL PROGRAMS
- 17 For grants, contracts, cooperative agreements, and
- 18 other activities, including grants to State and local govern-
- 19 ments for terrorism prevention activities, notwithstanding
- 20 any other provision of law, \$3,030,500,000, which shall
- 21 be allocated as follows:
- 22 (1) \$525,000,000 for formula-based grants and
- \$375,000,000 for law enforcement terrorism preven-
- 24 tion grants, to be allocated in accordance with sec-
- tion 1014 of the USA PATRIOT ACT (42 U.S.C.
- 26 3714): Provided, That not to exceed 3 percent of

1 these amounts shall be available for program admin-2 istration: Provided further, That the application for 3 grants shall be made available to States within 45 days after the date of enactment of this Act; that 5 States shall submit applications within 90 days after 6 the grant announcement; and the Federal Emer-7 gency Management Agency shall act within 90 days 8 after receipt of an application: Provided further, 9 That, in the event established timeframes detailed in 10 the preceding proviso for departmental actions are missed, funding for the Immediate Office of the 12 Deputy Secretary shall be reduced by \$1,000 per 13 day until such actions are executed: Provided fur-14 ther, That not less than 80 percent of any grant 15 under this paragraph to a State shall be made avail-16 able by the State to local governments within 60 17 days after the receipt of the funds; except in the 18 case of Puerto Rico, where not less than 50 percent 19 of any grant under this paragraph shall be made 20 available to local governments within 60 days after the receipt of the funds.

> (2) \$1,836,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

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1	(A) \$820,000,000 shall be for use in high-
2	threat, high-density urban areas, of which
3	\$20,000,000 shall be available for assistance to
4	organizations (as described under section
5	501(c)(3) of the Internal Revenue Code of 1986
6	and exempt from tax section 501(a) of such
7	code) determined by the Secretary to be at
8	high-risk of a terrorist attack;
9	(B) \$50,000,000 shall be for the Regional
10	Catastrophic Preparedness Grants;
11	(C) \$400,000,000 shall be for infrastruc-
12	ture protection grants related to port security
13	pursuant to 46 U.S.C. 70107;
14	(D) $$16,000,000$ shall be for infrastruc-
15	ture protection grants related to trucking indus-
16	try security;
17	(E) \$12,000,000 shall be for infrastructure
18	protection grants related to intercity bus secu-
19	rity;
20	(F) \$400,000,000 shall be for infrastruc-
21	ture protection grants related to intercity rail
22	passenger transportation (as defined in section
23	24102 of title 49, United States Code), freight
24	rail, and transit security;

1	(G) \$50,000,000 shall be for infrastructure
2	protection grants related to buffer zone protec-
3	tion;
4	(H) \$40,000,000 shall be available for the
5	Commercial Equipment Direct Assistance Pro-
6	gram;
7	(I) \$33,000,000 shall be for the Metropoli-
8	tan Medical Response System; and
9	(J) \$15,000,000 shall be for Citizens
10	Corps:
11	Provided, That not to exceed 3 percent of subpara-
12	graphs (A)–(J) shall be available for program ad-
13	ministration: Provided further, That for grants under
14	subparagraphs (A), (B), and (J), the application for
15	grants shall be made available to States within 45
16	days after the date of enactment of this Act; that
17	States shall submit applications within 90 days after
18	the grant announcement; and that the Federal
19	Emergency Management Agency shall act within 90
20	days after receipt of an application: Provided further,
21	That, in the event established timeframes detailed in
22	the preceding proviso for departmental actions are
23	missed, funding for the Immediate Office of the
24	Deputy Secretary shall be reduced by \$1,000 per

day until such actions are executed: Provided fur-

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ther, That no less than 80 percent of any grant 1 2 under this paragraph to a State shall be made avail-3 able by the State to local governments within 60 days after the receipt of the funds: Provided further, 5 That for grants under subparagraphs (C) through 6 (G), the applications for such grants shall be made 7 available to eligible applicants not later than 75 days 8 after the date of enactment of this Act, eligible ap-9 plicants shall submit applications not later than 45 10 days after the date of the grant announcement, and 11 the Federal Emergency Management Agency shall 12 act on such applications not later than 60 days after 13 the date on which such an application is received: 14 Provided further, That, in the event established time-15 frames detailed in the preceding proviso for depart-16 mental actions are missed, funding for the Imme-17 diate Office of the Deputy Secretary shall be re-18 duced by \$1,000 per day until such actions are exe-19 cuted.

- 20 (3) \$294,500,000 for training, exercises, tech-21 nical assistance, and other programs:
- 22 Provided, That none of the grants provided under this
- 23 heading shall be used for the construction or renovation
- 24 of facilities, except for a minor perimeter security project,
- 25 not to exceed \$1,000,000, as determined necessary by the

- 1 Secretary of Homeland Security: Provided further, That
- 2 the preceding proviso shall not apply to grants under sub-
- 3 paragraphs (B), (C), (F), and (G) of paragraph (2) of this
- 4 heading: Provided further, That funds appropriated for
- 5 law enforcement terrorism prevention grants under para-
- 6 graph (1) of this heading and discretionary grants under
- 7 paragraph (2)(A) of this heading shall be available for
- 8 operational costs, to include personnel overtime and over-
- 9 time associated with the Federal Emergency Management
- 10 Agency certified training, as needed: Provided further,
- 11 That the Government Accountability Office shall report on
- 12 the validity, relevance, reliability, timeliness, and avail-
- 13 ability of the risk factors (including threat, vulnerability,
- 14 and consequence) used by the Secretary of Homeland Se-
- 15 curity for the purpose of allocating grants funded under
- 16 this heading, and the application of those factors in the
- 17 allocation of funds to the Committees on Appropriations
- 18 of the Senate and the House of Representatives on its
- 19 findings not later than 45 days after the date of enactment
- 20 of this Act: Provided further, That within seven days after
- 21 the date of enactment of this Act, the Secretary of Home-
- 22 land Security shall provide the Government Accountability
- 23 Office with the risk methodology and other factors that
- 24 will be used to allocate grants funded under this heading.

1 FIREFIGHTER ASSISTANCE GRANTS 2 For necessary expenses for programs authorized by 3 the Federal Fire Prevention and Control Act of 1974 (15 4 U.S.C. 2201 et seq.), \$700,000,000: Provided, That not 5 to exceed five percent of this amount shall be available for program administration: *Provided further*, That funds 6 shall be allocated as follows: (1) \$560,000,000 shall be 8 available to carry out section 33 of that Act (15 U.S.C. 2229), to remain available until September 30, 2009; and 10 (2) \$140,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a). 12 EMERGENCY MANAGEMENT PERFORMANCE GRANTS 13 For necessary expenses for emergency management performance grants, as authorized by the National Flood 15 Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance 17 Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards 18 Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), 19 20 \$300,000,000: Provided, That total administrative costs 21 shall not exceed three percent of the total appropriation. 22 RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM 23 The aggregate charges assessed during fiscal year 24 2008, as authorized in title III of the Departments of Vet-

erans Affairs and Housing and Urban Development, and

Independent Agencies Appropriations Act, 1999 (42)

- 1 U.S.C. 5196e), shall not be less than 100 percent of the
- 2 amounts anticipated by the Department of Homeland Se-
- 3 curity necessary for its radiological emergency prepared-
- 4 ness program for the next fiscal year: Provided, That the
- 5 methodology for assessment and collection of fees shall be
- 6 fair and equitable and shall reflect costs of providing such
- 7 services, including administrative costs of collecting such
- 8 fees: Provided further, That fees received under this head-
- 9 ing shall be deposited in this account as offsetting collec-
- 10 tions and will become available for authorized purposes on
- 11 October 1, 2008, and remain available until expended.
- 12 UNITED STATES FIRE ADMINISTRATION
- For necessary expenses of the United States Fire Ad-
- 14 ministration, as authorized by the Federal Fire Prevention
- 15 and Control Act of 1974 (15 U.S.C. 2201 et seq.) and
- 16 the Homeland Security Act of 2002 (6 U.S.C. 101 et
- 17 seq.), \$43,300,000.
- 18 DISASTER RELIEF
- 19 (INCLUDING TRANSFER OF FUNDS)
- For necessary expenses in carrying out the Robert
- 21 T. Stafford Disaster Relief and Emergency Assistance Act
- 22 (42 U.S.C. 5121 et seq.), \$1,700,000,000, to remain avail-
- 23 able until expended: Provided, That of the total amount
- 24 provided, \$13,500,000 shall be transferred to the Depart-
- 25 ment of Homeland Security Office of Inspector General
- 26 for audits and investigations related to disasters, subject

- 1 to section 503 of this Act: Provided further, That up to
- 2 \$48,000,000 and 250 positions may be transferred to
- 3 "Management and Administration", Federal Emergency
- 4 Management Agency, for management and administration
- 5 functions, subject to section 503 of this Act.
- 6 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT
- 7 For activities under section 319 of the Robert T.
- 8 Stafford Disaster Relief and Emergency Assistance Act
- 9 (42 U.S.C. 5162), \$875,000, of which \$580,000 is for ad-
- 10 ministrative expenses to carry out the direct loan program
- 11 and \$295,000 is for the cost of direct loans: Provided,
- 12 That gross obligations for the principal amount of direct
- 13 loans shall not exceed \$25,000,000: Provided further, That
- 14 the cost of modifying such loans shall be as defined in
- 15 section 502 of the Congressional Budget Act of 1974 (2
- 16 U.S.C. 661a).
- 17 FLOOD MAP MODERNIZATION FUND
- For necessary expenses under section 1360 of the
- 19 National Flood Insurance Act of 1968 (42 U.S.C. 4101),
- 20 \$200,000,000, and such additional sums as may be pro-
- 21 vided by State and local governments or other political
- 22 subdivisions for cost-shared mapping activities under sec-
- 23 tion 1360(f)(2) of such Act, to remain available until ex-
- 24 pended: Provided, That total administrative costs shall not
- 25 exceed three percent of the total appropriation.

1	NATIONAL FLOOD INSURANCE FUND
2	(INCLUDING TRANSFER OF FUNDS)
3	For activities under the National Flood Insurance
4	Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Dis-
5	aster Protection Act of 1973 (42 U.S.C. 4001 et seq.),
6	\$145,000,000, which is available as follows: (1) not to ex-
7	ceed \$45,642,000 for salaries and expenses associated
8	with flood mitigation and flood insurance operations; and
9	(2) not to exceed \$99,358,000 for flood hazard mitigation,
10	which shall be derived from offsetting collections assessed
11	and collected under section 1307 of the National Flood
12	Insurance Act of 1968 (42 U.S.C. 4001 et seq.), to remain
13	available until September 30, 2009, including up to
14	\$34,000,000 for flood mitigation expenses under section
15	1366 of that Act, which amount shall be available for
16	transfer to the National Flood Mitigation Fund until Sep-
17	tember 30, 2009: Provided, That in fiscal year 2008, no
18	funds shall be available from the National Flood Insurance
19	Fund in excess of: (1) \$70,000,000 for operating ex-
20	penses; (2) \$773,772,000 for commissions and taxes of
21	agents; (3) such sums as are necessary for interest on
22	Treasury borrowings; and (4) \$90,000,000 for flood miti-
23	gation actions with respect to severe repetitive loss prop-
24	erties under section 1361A of that Act (42 U.S.C. 4102a)
25	and repetitive insurance claims properties under section
26	1323 of that Act (42 U.S.C. 4030), which shall remain

- 1 available until expended: Provided further, That total ad-
- 2 ministrative costs shall not exceed four percent of the total
- 3 appropriation.
- 4 NATIONAL FLOOD MITIGATION FUND
- 5 (INCLUDING TRANSFER OF FUNDS)
- 6 Notwithstanding subparagraphs (B) and (C) of sub-
- 7 section (b)(3), and subsection (f), of section 1366 of the
- 8 National Flood Insurance Act of 1968, \$34,000,000 (42)
- 9 U.S.C. 4104c), to remain available until September 30,
- 10 2009, for activities designed to reduce the risk of flood
- 11 damage to structures pursuant to such Act, of which
- 12 \$34,000,000 shall be derived from the National Flood In-
- 13 surance Fund.
- 14 NATIONAL PRE-DISASTER MITIGATION FUND
- For a pre-disaster mitigation grant program under
- 16 title II of the Robert T. Stafford Disaster Relief and
- 17 Emergency Assistance Act (42 U.S.C. 5131 et seq.),
- 18 \$120,000,000, to remain available until expended: Pro-
- 19 vided, That grants made for pre-disaster mitigation shall
- 20 be awarded on a competitive basis subject to the criteria
- 21 in section 203(g) of such Act (42 U.S.C. 5133(g)): *Pro-*
- 22 vided further, That total administrative costs shall not ex-
- 23 ceed three percent of the total appropriation.
- 24 EMERGENCY FOOD AND SHELTER
- To carry out an emergency food and shelter program
- 26 pursuant to title III of the McKinney-Vento Homeless As-

1	sistance Act (42 U.S.C. 11331 et seq.), \$153,000,000, to
2	remain available until expended: Provided, That total ad-
3	ministrative costs shall not exceed 3.5 percent of the total
4	appropriation.
5	TITLE IV
6	RESEARCH AND DEVELOPMENT, TRAINING,
7	AND SERVICES
8	UNITED STATES CITIZENSHIP AND IMMIGRATION
9	SERVICES
10	For necessary expenses for citizenship and immigra-
11	tion services, \$50,523,000: Provided, That of the total,
12	\$20,000,000 provided to address backlogs of security
13	checks associated with pending applications and petitions
14	shall not be available for obligation until the Secretary of
15	Homeland Security and the United States Attorney Gen-
16	eral submit to the Committees on Appropriations of the
17	Senate and the House of Representatives a plan to elimi-
18	nate the backlog of security checks that establishes infor-
19	mation sharing protocols to ensure United States Citizen-
20	ship and Immigration Services has the information it
21	needs to carry out its mission.
22	FEDERAL LAW ENFORCEMENT TRAINING CENTER
23	SALARIES AND EXPENSES
24	For necessary expenses of the Federal Law Enforce-
25	ment Training Center including materials and support

costs of Federal law enforcement basic training; purchase 2 of not to exceed 117 vehicles for police-type use and hire 3 of passenger motor vehicles; expenses for student athletic 4 and related activities; the conduct of and participation in 5 firearms matches and presentation of awards; public 6 awareness and enhancement of community support of law 7 enforcement training; room and board for student interns; 8 a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services 10 as authorized by section 3109 of title 5, United States Code; \$221,076,000, of which up to \$43,910,000 for ma-11 12 terials and support costs of Federal law enforcement basic training shall remain available until September 30, 2009; of which \$300,000 shall remain available until expended 14 15 for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by 16 the Federal Law Enforcement Training Center for the 18 needs of participating agencies; and of which not to exceed \$12,000 shall be for official reception and representation 19 expenses: Provided, That the Center is authorized to obli-20 21 gate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except 23 that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a)

of Public Law 107–206 (42 U.S.C. 3771 note) as amend-2 ed by Public Law 109–295 (120 Stat. 1374) is further amended by striking "December 31, 2007" and inserting 3 4 "December 31, 2011". 5 ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND 6 RELATED EXPENSES 7 For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, fa-8 9 cility improvements, and related expenses of the Federal 10 Law Enforcement Training Center, \$44,470,000, to remain available until expended: *Provided*, That the Center 11 is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities. 14 15 Science and Technology 16 MANAGEMENT AND ADMINISTRATION 17 For salaries and expenses of the Office of the Under 18 Secretary for Science and Technology and for manage-19 ment and administration of programs and activities, as 20 authorized by title III of the Homeland Security Act of 21 2002 (6 U.S.C. 181 et seq.), \$140,632,000: Provided,

That not to exceed \$3,000 shall be for official reception

and representation expenses.

22

23

1	RESEARCH, DEVELOPMENT, ACQUISITION, AND					
2	OPERATIONS					
3	For necessary expenses for science and technology re-					
4	search, including advanced research projects; development					
5	test and evaluation; acquisition; and operations; as author-					
6	ized by title III of the Homeland Security Act of 2002					
7	(6 U.S.C. 181 et seq.); \$697,364,000, to remain available					
8	until expended; and of which \$103,814,000 shall be for					
9	necessary expenses of the field laboratories and assets of					
10	the Science and Technology Directorate.					
11	Domestic Nuclear Detection Office					
12	MANAGEMENT AND ADMINISTRATION					
13	For salaries and expenses of the Domestic Nuclear					
14	Detection Office and for management and administration					
15	of programs and activities, \$32,000,000: Provided, That					
16	not to exceed \$3,000 shall be for official reception and					
17	representation expenses.					
18	RESEARCH, DEVELOPMENT, ACQUISITION, AND					
19	OPERATIONS					
20	For necessary expenses for radiological and nuclear					
21	research, development, testing, evaluation and operations,					
22	\$336,000,000, to remain available until expended.					
23	SYSTEMS ACQUISITION					
24	For expenses for the Domestic Nuclear Detection Of-					
25	fice acquisition and deployment of radiological detection					
26	systems in accordance with the global nuclear detection					

- 1 architecture, \$182,000,000, to remain available until Sep-
- 2 tember 30, 2010: *Provided*, That none of the funds appro-
- 3 priated under this heading shall be obligated for full-scale
- 4 procurement of Advanced Spectroscopic Portal Monitors
- 5 until the Secretary of Homeland Security has certified
- 6 through a report to the Committees on Appropriations of
- 7 the Senate and the House of Representatives that a sig-
- 8 nificant increase in operational effectiveness will be
- 9 achieved.

10 TITLE V

11 GENERAL PROVISIONS

- 12 Sec. 501. No part of any appropriation contained in
- 13 this Act shall remain available for obligation beyond the
- 14 current fiscal year unless expressly so provided herein.
- 15 Sec. 502. None of the funds available in this Act
- 16 shall be available to carry out section 872 of Public Law
- 17 107–296.
- 18 Sec. 503. (a) None of the funds provided by this Act,
- 19 provided by previous appropriations Acts to the agencies
- 20 in or transferred to the Department of Homeland Security
- 21 that remain available for obligation or expenditure in fiscal
- 22 year 2008, or provided from any accounts in the Treasury
- 23 of the United States derived by the collection of fees avail-
- 24 able to the agencies funded by this Act, shall be available
- 25 for obligation or expenditure through a reprogramming of

- 1 funds that: (1) creates a new program; (2) eliminates a
- 2 program, project, or activity; (3) increases funds for any
- 3 program, project, or activity for which funds have been
- 4 denied or restricted by the Congress; (4) proposes to use
- 5 funds directed for a specific activity by either of the Com-
- 6 mittees on Appropriations of the Senate or the House of
- 7 Representatives for a different purpose; or (5) contracts
- 8 out any function or activity for which funding levels were
- 9 requested for Federal full-time equivalents in the object
- 10 classification tables contained in the fiscal year 2008
- 11 Budget Appendix for the Department of Homeland Secu-
- 12 rity, as modified by the joint explanatory statement ac-
- 13 companying this Act; unless the Committees on Appro-
- 14 priations of the Senate and the House of Representatives
- 15 are notified 15 days in advance of such reprogramming
- 16 of funds.
- 17 (b) None of the funds provided by this Act, provided
- 18 by previous appropriations Acts to the agencies in or
- 19 transferred to the Department of Homeland Security that
- 20 remain available for obligation or expenditure in fiscal
- 21 year 2008, or provided from any accounts in the Treasury
- 22 of the United States derived by the collection of fees avail-
- 23 able to the agencies funded by this Act, shall be available
- 24 for obligation or expenditure for programs, projects, or ac-
- 25 tivities through a reprogramming of funds in excess of

- 1 \$5,000,000 or 10 percent, whichever is less, that: (1) aug-
- 2 ments existing programs, projects, or activities; (2) re-
- 3 duces by 10 percent funding for any existing program,
- 4 project, or activity, or numbers of personnel by 10 percent
- 5 as approved by the Congress; or (3) results from any gen-
- 6 eral savings from a reduction in personnel that would re-
- 7 sult in a change in existing programs, projects, or activi-
- 8 ties as approved by the Congress; unless the Committees
- 9 on Appropriations of the Senate and the House of Rep-
- 10 resentatives are notified 15 days in advance of such re-
- 11 programming of funds.
- 12 (c) Not to exceed 5 percent of any appropriation
- 13 made available for the current fiscal year for the Depart-
- 14 ment of Homeland Security by this Act or provided by
- 15 previous appropriations Acts may be transferred between
- 16 such appropriations, but no such appropriations, except
- 17 as otherwise specifically provided, shall be increased by
- 18 more than 10 percent by such transfers: Provided, That
- 19 any transfer under this section shall be treated as a re-
- 20 programming of funds under subsection (b) of this section
- 21 and shall not be available for obligation unless the Com-
- 22 mittees on Appropriations of the Senate and the House
- 23 of Representatives are notified 15 days in advance of such
- 24 transfer.

- 1 (d) Notwithstanding subsections (a), (b), and (c) of
- 2 this section, no funds shall be reprogrammed within or
- 3 transferred between appropriations after June 30, except
- 4 in extraordinary circumstances which imminently threaten
- 5 the safety of human life or the protection of property.
- 6 Sec. 504. None of the funds appropriated or other-
- 7 wise made available to the Department of Homeland Secu-
- 8 rity may be used to make payments to the "Department
- 9 of Homeland Security Working Capital Fund", except for
- 10 the activities and amounts allowed in the President's fiscal
- 11 year 2008 budget, excluding sedan service, shuttle service,
- 12 transit subsidy, mail operations, parking, and competitive
- 13 sourcing: Provided, That any additional activities and
- 14 amounts shall be approved by the Committees on Appro-
- 15 priations of the Senate and the House of Representatives
- 16 30 days in advance of obligation.
- 17 Sec. 505. Except as otherwise specifically provided
- 18 by law, not to exceed 50 percent of unobligated balances
- 19 remaining available at the end of fiscal year 2008 from
- 20 appropriations for salaries and expenses for fiscal year
- 21 2008 in this Act shall remain available through September
- 22 30, 2009, in the account and for the purposes for which
- 23 the appropriations were provided: Provided, That prior to
- 24 the obligation of such funds, a request shall be submitted
- 25 to the Committees on Appropriations of the Senate and

- 1 the House of Representatives for approval in accordance
- 2 with section 503 of this Act.
- 3 Sec. 506. Funds made available by this Act for intel-
- 4 ligence activities are deemed to be specifically authorized
- 5 by the Congress for purposes of section 504 of the Na-
- 6 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
- 7 year 2008 until the enactment of an Act authorizing intel-
- 8 ligence activities for fiscal year 2008.
- 9 Sec. 507. The Federal Law Enforcement Training
- 10 Accreditation Board shall lead the Federal law enforce-
- 11 ment training accreditation process, to include representa-
- 12 tives from the Federal law enforcement community and
- 13 non-Federal accreditation experts involved in law enforce-
- 14 ment training, to continue the implementation of meas-
- 15 uring and assessing the quality and effectiveness of Fed-
- 16 eral law enforcement training programs, facilities, and in-
- 17 structors.
- 18 Sec. 508. None of the funds in this Act may be used
- 19 to make a grant allocation, discretionary grant award, dis-
- 20 cretionary contract award, or to issue a letter of intent
- 21 totaling in excess of \$1,000,000, or to announce publicly
- 22 the intention to make such an award, unless the Secretary
- 23 of Homeland Security notifies the Committees on Appro-
- 24 priations of the Senate and the House of Representatives
- 25 at least three full business days in advance: Provided, That

- 1 no notification shall involve funds that are not available
- 2 for obligation: *Provided further*, That the notification shall
- 3 include the amount of the award, the fiscal year in which
- 4 the funds for the award were appropriated, and the ac-
- 5 count for which the funds are being drawn from: Provided
- 6 further, That the Federal Emergency Management Agency
- 7 shall brief the Committees on Appropriations of the Sen-
- 8 ate and the House of Representatives five full business
- 9 days in advance of announcing publicly the intention of
- 10 making an award of formula-based grants; law enforce-
- 11 ment terrorism prevention grants; high-threat, high-den-
- 12 sity urban areas grants; or regional catastrophic prepared-
- 13 ness grants.
- 14 Sec. 509. Notwithstanding any other provision of
- 15 law, no agency shall purchase, construct, or lease any ad-
- 16 ditional facilities, except within or contiguous to existing
- 17 locations, to be used for the purpose of conducting Federal
- 18 law enforcement training without the advance approval of
- 19 the Committees on Appropriations of the Senate and the
- 20 House of Representatives, except that the Federal Law
- 21 Enforcement Training Center is authorized to obtain the
- 22 temporary use of additional facilities by lease, contract,
- 23 or other agreement for training which cannot be accommo-
- 24 dated in existing Center facilities.

- 1 Sec. 510. The Director of the Federal Law Enforce-
- 2 ment Training Center shall schedule basic and/or ad-
- 3 vanced law enforcement training at all four training facili-
- 4 ties under the control of the Federal Law Enforcement
- 5 Training Center to ensure that these training centers are
- 6 operated at the highest capacity throughout the fiscal
- 7 year.
- 8 Sec. 511. None of the funds appropriated or other-
- 9 wise made available by this Act may be used for expenses
- 10 of any construction, repair, alteration, or acquisition
- 11 project for which a prospectus, if required by the Public
- 12 Buildings Act of 1959 (40 U.S.C. 3301), has not been
- 13 approved, except that necessary funds may be expended
- 14 for each project for required expenses for the development
- 15 of a proposed prospectus.
- 16 Sec. 512. None of the funds in this Act may be used
- 17 in contravention of the applicable provisions of the Buy
- 18 American Act (41 U.S.C. 10a et seq.).
- 19 Sec. 513. (a) None of the funds provided by this or
- 20 previous appropriations Acts may be obligated for deploy-
- 21 ment or implementation, on other than a test basis, of the
- 22 Secure Flight program or any other follow on or successor
- 23 passenger prescreening program, until the Secretary of
- 24 Homeland Security certifies, and the Government Ac-
- 25 countability Office reports, to the Committees on Appro-

- 1 priations of the Senate and the House of Representatives,
- 2 that all ten of the conditions contained in paragraphs (1)
- 3 through (10) of section 522(a) of Public Law 108–334
- 4 (118 Stat. 1319) have been successfully met.
- 5 (b) The report required by subsection (a) shall be
- 6 submitted within 90 days after the Secretary provides the
- 7 requisite certification, and periodically thereafter, if nec-
- 8 essary, until the Government Accountability Office con-
- 9 firms that all ten conditions have been successfully met.
- 10 (c) Within 90 days of enactment of this Act, the Sec-
- 11 retary shall submit to the Committees on Appropriations
- 12 of the Senate and the House of Representatives a detailed
- 13 plan that describes: (1) the dates for achieving key mile-
- 14 stones, including the date or timeframes that the Sec-
- 15 retary will certify the program under subsection (a); and
- 16 (2) the methodology to be followed to support the Sec-
- 17 retary's certification, as required under subsection (a).
- 18 (d) During the testing phase permitted by subsection
- 19 (a), no information gathered from passengers, foreign or
- 20 domestic air carriers, or reservation systems may be used
- 21 to screen aviation passengers, or delay or deny boarding
- 22 to such passengers, except in instances where passenger
- 23 names are matched to a Government watch list.
- 24 (e) None of the funds provided in this or previous
- 25 appropriations Acts may be utilized to develop or test algo-

- 1 rithms assigning risk to passengers whose names are not
- 2 on Government watch lists.
- 3 (f) None of the funds provided in this or previous
- 4 appropriations Acts may be utilized for data or a database
- 5 that is obtained from or remains under the control of a
- 6 non-Federal entity: Provided, That this restriction shall
- 7 not apply to Passenger Name Record data obtained from
- 8 air carriers.
- 9 Sec. 514. None of the funds made available in this
- 10 Act may be used to amend the oath of allegiance required
- 11 by section 337 of the Immigration and Nationality Act
- 12 (8 U.S.C. 1448).
- 13 Sec. 515. None of the funds appropriated by this Act
- 14 may be used to process or approve a competition under
- 15 Office of Management and Budget Circular A-76 for serv-
- 16 ices provided as of June 1, 2004, by employees (including
- 17 employees serving on a temporary or term basis) of United
- 18 States Citizenship and Immigration Services of the De-
- 19 partment of Homeland Security who are known as of that
- 20 date as Immigration Information Officers, Contact Rep-
- 21 resentatives, or Investigative Assistants.
- Sec. 516. (a) None of the funds appropriated to the
- 23 United States Secret Service by this Act or by previous
- 24 appropriations Acts may be made available for the protec-
- 25 tion of the head of a Federal agency other than the Sec-

- 1 retary of Homeland Security: *Provided*, That the Director
- 2 of the United States Secret Service may enter into an
- 3 agreement to perform such service on a fully reimbursable
- 4 basis.
- 5 (b) None of the funds appropriated by this or any
- 6 other Act to the United States Secret Service shall be
- 7 made available for the protection of a Federal official,
- 8 other than persons granted protection under section
- 9 3056(a) of title 18, United States Code, and the Secretary
- 10 of Homeland Security: *Provided*, That the Director of the
- 11 United States Secret Service may enter into an agreement
- 12 to perform such protection on a fully reimbursable basis
- 13 for protectees not designated under section 3056(a) of
- 14 title 18, United States Code.
- 15 Sec. 517. (a) The Secretary of Homeland Security
- 16 is directed to research, develop, and procure new tech-
- 17 nologies to inspect and screen air cargo carried on pas-
- 18 senger aircraft at the earliest date possible.
- 19 (b) Existing checked baggage explosive detection
- 20 equipment and screeners shall be utilized to screen air
- 21 cargo carried on passenger aircraft to the greatest extent
- 22 practicable at each airport until technologies developed
- 23 under subsection (a) are available.
- 24 (c) The Transportation Security Administration shall
- 25 report air cargo inspection statistics quarterly to the Com-

- 1 mittees on Appropriations of the Senate and the House
- 2 of Representatives, by airport and air carrier, within 45
- 3 days after the end of the quarter including any reason for
- 4 non-compliance with the second proviso of section 513 of
- 5 the Department of Homeland Security Appropriations
- 6 Act, 2005 (Public Law 108–334, 118 Stat. 1317).
- 7 Sec. 518. None of the funds made available in this
- 8 Act may be used by any person other than the Privacy
- 9 Officer appointed under section 222 of the Homeland Se-
- 10 curity Act of 2002 (6 U.S.C. 142) to alter, direct that
- 11 changes be made to, delay, or prohibit the transmission
- 12 to Congress of any report prepared under paragraph (6)
- 13 of such section.
- 14 Sec. 519. No funding provided by this or previous
- 15 appropriation Acts shall be available to pay the salary of
- 16 any employee serving as a contracting officer's technical
- 17 representative (COTR), or anyone acting in a similar or
- 18 like capacity, who has not received COTR training.
- 19 Sec. 520. Except as provided in section 44945 of title
- 20 49, United States Code, funds appropriated or transferred
- 21 to Transportation Security Administration "Aviation Se-
- 22 curity", "Administration" and "Transportation Security
- 23 Support" in fiscal years 2004, 2005, 2006, and 2007 that
- 24 are recovered or deobligated shall be available only for pro-
- 25 curement and installation of explosive detection systems

- 1 for air cargo, baggage, and checkpoint screening systems,
- 2 subject to notification.
- 3 Sec. 521. Section 525(d) of the Department of
- 4 Homeland Security Appropriations Act, 2007 (Public Law
- 5 109–295; 120 Stat. 1382) shall apply to fiscal year 2008.
- 6 (RESCISSION OF FUNDS)
- 7 Sec. 522. From the unobligated balances of funds
- 8 transferred to the Department of Homeland Security
- 9 when it was created in 2003, excluding mandatory appro-
- 10 priations, \$45,000,000 is rescinded, of which \$12,000,000
- 11 shall be rescinded from Departmental Operations;
- 12 \$12,000,000 shall be rescinded from the Office of State
- 13 and Local Government Coordination; and \$6,000,000
- 14 shall be rescinded from the Working Capital Fund.
- 15 Sec. 523. Any funds appropriated to United States
- 16 Coast Guard, "Acquisition, Construction, and Improve-
- 17 ments" in fiscal years 2002, 2003, 2004, 2005, and 2006
- 18 for the 110–123 foot patrol boat conversion that are recov-
- 19 ered, collected, or otherwise received as the result of nego-
- 20 tiation, mediation, or litigation, shall be available until ex-
- 21 pended for the Replacement Patrol Boat (FRC–B) pro-
- 22 gram.
- 23 Sec. 524. The Department of Homeland Security
- 24 Working Capital Fund, established, pursuant to section
- 25 403 of Public Law 103–356 (31 U.S.C. 501 note), shall
- 26 continue operations during fiscal year 2008.

1	Sec. 525. (a) The Federal Emergency Management
2	Agency (FEMA) shall submit a quarterly report to the
3	Committees on Appropriations of the Senate and the
4	House of Representatives detailing the allocation and obli-
5	gation of funds for "Disaster Relief" to include:
6	(1) status of the Disaster Relief Fund (DRF)
7	including obligations, allocations, and amounts un-
8	distributed/unallocated;
9	(2) allocations, obligations, and expenditures for
10	all open disasters;
11	(3) information on national flood insurance
12	claims;
13	(4) obligations, allocations and expenditures by
14	State for unemployment, crisis counseling, inspec-
15	tions, housing assistance, manufactured housing,
16	public assistance and individual assistance;
17	(5) mission assignment obligations by agency,
18	including:
19	(A) the amounts reimbursed to other agen-
20	cies that are in suspense because FEMA has
21	not yet reviewed and approved the documenta-
22	tion supporting the expenditure; and
23	(B) a disclaimer if the amounts of reported
24	obligations and expenditures do not reflect the

- status of such obligations and expenditures
 from a government-wide perspective;
 (6) the amount of credit card purchases by
 - (6) the amount of credit card purchases by agency and mission assignment;
 - (7) specific reasons for all waivers granted and a description of each waiver;
- 7 (8) a list of all contracts that were awarded on 8 a sole source or limited competition basis, including 9 the dollar amount, the purpose of the contract and 10 the reason for the lack of competitive award; and
- 11 (9) an estimate of when available appropria-12 tions will be exhausted, assuming an average dis-13 aster season.
- 14 (b) The Secretary of Homeland Security shall at least 15 quarterly obtain from agencies performing mission assign-16 ments each such agency's actual obligation and expendi-17 ture data and report to the Committees on Appropriations 18 of the Senate and the House of Representatives.
- 19 (c) For any request for reimbursement from a Fed-20 eral agency to the Department of Homeland Security to 21 cover expenditures under the Stafford Act (42 U.S.C. 22 5121 et seq.), or any mission assignment orders issued 23 by the Department of Homeland Security for such pur-24 poses, the Secretary of Homeland Security shall take ap-

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6

- 1 reminded of Department of Homeland Security policies
- 2 on—
- 3 (1) the detailed information required in sup-
- 4 porting documentation for reimbursements, and
- 5 (2) the necessity for timeliness of agency bil-
- 6 lings.
- 7 Sec. 526. Within 45 days after the close of each
- 8 month, the Chief Financial Officer of the Department of
- 9 Homeland Security shall submit to the Committees on Ap-
- 10 propriations of the Senate and the House of Representa-
- 11 tives a monthly budget and staffing report that includes
- 12 total obligations, on-board versus funded full-time equiva-
- 13 lent staffing levels, and the number of contract employees
- 14 by office.
- 15 Sec. 527. Section 532(a) of Public Law 109–295 is
- 16 amended by striking "2007" and inserting "2008".
- 17 Sec. 528. The Federal Law Enforcement Training
- 18 Center instructor staff shall be classified as inherently
- 19 governmental for the purpose of the Federal Activities In-
- 20 ventory Reform Act of 1998 (31 U.S.C. 501 note).
- SEC. 529. None of the funds provided in this Act may
- 22 be used to alter or reduce operations within the Civil Engi-
- 23 neering Program of the Coast Guard nationwide, including
- 24 the civil engineering units, facilities, design, and construc-
- 25 tion centers, maintenance and logistics command centers,

- 1 and the Coast Guard Academy, except as specifically au-
- 2 thorized by a statute enacted after the date of enactment
- 3 of this Act.
- 4 Sec. 530. Extension of the Implementation
- 5 Deadline for the Western Hemisphere Travel
- 6 Initiative. Subparagraph (A) of section 7209(b)(1) of
- 7 the Intelligence Reform and Terrorism Prevention Act of
- 8 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is
- 9 amended by striking "This plan shall be implemented not
- 10 later than three months after the Secretary of State and
- 11 the Secretary of Homeland Security make the certifi-
- 12 cations required in subsection (B), or June 1, 2009,
- 13 whichever is earlier." and inserting "Such plan may not
- 14 be implemented earlier than the date that is the later of
- 15 3 months after the Secretary of State and the Secretary
- 16 of Homeland Security make the certification required in
- 17 subparagraph (B) or June 1, 2009.".
- 18 Sec. 531. Section 550 of the Department of Home-
- 19 land Security Appropriations Act, 2007 (6 U.S.C. 121
- 20 note) is amended by adding at the end the following:
- 21 "(h) This section shall not preclude or deny any right
- 22 of any State or political subdivision thereof to adopt or
- 23 enforce any regulation, requirement, or standard of per-
- 24 formance with respect to chemical facility security that is
- 25 more stringent than a regulation, requirement, or stand-

- 1 and of performance issued under this section, or otherwise
- 2 impair any right or jurisdiction of any State with respect
- 3 to chemical facilities within that State, unless there is an
- 4 actual conflict between this section and the law of that
- 5 State.".
- 6 Sec. 532. None of the funds provided in this Act
- 7 under the heading "Office of the Chief Information Offi-
- 8 cer" shall be used for data center development other than
- 9 for the National Center for Critical Information Proc-
- 10 essing and Storage until the Chief Information Officer cer-
- 11 tifies that the National Center for Critical Information
- 12 Processing and Storage is fully utilized as the Depart-
- 13 ment's primary data storage center at the highest capacity
- 14 throughout the fiscal year.
- 15 Sec. 533. None of the funds in this Act shall be used
- 16 to reduce the United States Coast Guard's Operations
- 17 Systems Center mission or its government-employed or
- 18 contract staff levels.
- 19 Sec. 534. (a) Notwithstanding section 503 of this
- 20 Act, up to \$25,000,000 from prior year balances currently
- 21 available to the Transportation Security Administration
- 22 may be transferred to "Transportation Threat Assessment
- 23 and Credentialing" for the Secure Flight program.
- 24 (b) In carrying out the transfer authority under sub-
- 25 section (a), the Transportation Security Administration

- 1 shall not utilize any prior year balances from the following
- 2 programs: screener partnership program; explosive detec-
- 3 tion system purchase; explosive detection system installa-
- 4 tion; checkpoint support; aviation regulation and other en-
- 5 forcement; air cargo; and air cargo research and develop-
- 6 ment: Provided, That any funds proposed to be trans-
- 7 ferred under this section shall not be available for obliga-
- 8 tion until the Committees on Appropriations of the Senate
- 9 and the House of Representatives receive and approve a
- 10 plan for expenditure for such funds that is submitted by
- 11 the Secretary of Homeland Security: Provided further,
- 12 That the plan shall be submitted simultaneously to the
- 13 Government Accountability Office for review consistent
- 14 with its ongoing assessment of the Secure Flight Program
- 15 as mandated by section 522(a) of Public Law 108-334
- 16 (118 Stat. 1319).
- 17 Sec. 535. Disaster Assistance for Schools. (a)
- 18 Definitions.—In this section—
- 19 (1) the term "Administrator" means the Ad-
- 20 ministrator of the Federal Emergency Management
- 21 Agency;
- 22 (2) the term "covered assistance" means assist-
- 23 ance—

1	(A) provided under section 406 of the Rob-
2	ert T. Stafford Disaster Relief and Emergency
3	Assistance Act (42 U.S.C. 5172);
4	(B) to be used to—
5	(i) repair, restore, reconstruct, or re-
6	place school facilities; or
7	(ii) replace lost contents of a school;
8	and
9	(C) for damage caused by Hurricane
10	Katrina of 2005 or Hurricane Rita of 2005;
11	and
12	(3) the term "local educational agency" has the
13	meaning given that term in section 9101 of the Ele-
14	mentary and Secondary Education Act of 1965 (20
15	U.S.C. 7801).
16	(b) Assistance to Schools.—
17	(1) In general.—A local educational agency
18	that has applied for covered assistance before the
19	date of enactment of this Act may request that such
20	assistance (including any eligible costs discovered
21	after the date of the estimate of eligible costs under
22	section 406(e)(1)(A) of the Robert T. Stafford Dis-
23	aster Relief and Emergency Assistance Act (42
24	U.S.C. 5172(e)(1)(A)) and any cost that was deter-

- 1 mined to be an eligible cost after an appeal or re-2 view) be provided in a single payment.
- than 30 days after the date that a local educational agency makes a request under paragraph (1), the Administrator shall provide in a single payment any covered assistance for any eligible cost that was approved by the Administrator on or before the date of that request.
- 10 (3) FLOOD INSURANCE REDUCTION.—For any covered assistance provided under paragraph (2), the Administrator shall make not more than 1 reduction under section 406(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(d)) in the amount of assistance provided.
- 17 (c) ALTERNATE USE.—For any covered assistance 18 provided under subsection (b)(2), the amount of that as-19 sistance shall not be reduced under section 406(c)(1) of 20 the Robert T. Stafford Disaster Relief and Emergency As-21 sistance Act (42 U.S.C. 5172(c)(1)).
- (d) APPLICABILITY.—This section shall apply to any
 covered assistance provided on or after the date of enactment of this Act.

- 1 This Act may be cited as the "Department of Home-
- 2 land Security Appropriations Act, 2008".

Calendar No. 204

110TH CONGRESS S. 1644

[Report No. 110-84]

A BILL

Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

June 18, 2007

Read twice and placed on the calendar